

REMARKS

The application has been carefully reviewed in light of the Office Action dated September 5, 2003. Claims 1-25 have been canceled solely to advance the prosecution of this application on appeal. Claim 26 remains pending in the present application. Applicant reserves the right to pursue the original claims and other claims in this application and in other applications.

The drawings stand objected to as failing to show every feature of the invention specified in the claims and the specification stands objected to due to certain informalities. Although the applicant disagrees, claims 1-25 have been canceled for purposes of appeal and the objections are now moot.

Claims 23-25 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Although the applicant disagrees, claims 23-25 have been canceled for purposes of appeal and the rejection is now moot. Claims 1-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Although the applicant disagrees, claims 1-20 have been canceled for purposes of appeal and the rejection is now moot.

Claims 1-3, 6, 8-13, 15 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ostrowsky (U.S. Patent No. 3,853,236). Although the applicant disagrees, claims 1-3, 6, 8-13, 15 and 16 have been canceled for purposes of appeal and the rejection is now moot.

Claims 1-4, 6-17, 20 and 23-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Minette (U.S. Patent No. 5,147,052). Although the applicant disagrees, claims 1-4, 6-17, 20 and 23-25 have been canceled for purposes of appeal and the rejection of these

claims is now moot. With regard to claim 26, the Applicant respectfully requests reconsideration.

Minette discloses a two-piece child resistant closure having projections on the top of the inner cap. These projections are accessible through the open center of the outer cap top to assist the user in unthreading the container.

Claim 26 recites a safety closure comprising *inter alia* an outer cap, an inner cap, lugs and recesses having inclined walls, wherein the lugs are engaged by the inclined walls of the recesses when the outer cap is turned in a closure opening direction and a force is being applied to the outer cap. Claim 26 also recites that when the lugs and recesses are engaged after the outer cap is turned in a closure opening direction, the lugs are not urged from the recesses due to a relaxation of a deformed member.

Minette fails to teach or suggest a safety closure in which when the lugs and recesses are engaged after the outer cap is turned in a closure opening direction, the lugs are not urged from the recesses due to a relaxation of a deformed member. Thus, claim 26 is allowable over Minette. Accordingly, this rejection should be withdrawn and the claim allowed.

Moreover, Ostrowsky fails to teach or suggest a safety closure comprising *inter alia* an outer cap, an inner cap, lugs and recesses having inclined walls, wherein the lugs are engaged by the inclined walls of the recesses when the outer cap is turned in a closure opening direction and a force is being applied to the outer cap. The lugs of Ostrowsky engage a vertical portion (lower portion 40), not an inclined surface. Accordingly, claim 26 is allowable over Ostrowsky.

Claims 4, 5 and 17-19 stand rejected under 35 U.S.C. § 103(a) over Ostrowsky. Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) over Ostrowsky in view of

Friedenthal (U.S. Patent No. 5,147,053). Claim 20 stands rejected under 35 U.S.C. § 103(a) over Ostrowsky in view of Buono (U.S. Patent No. 5,197,616). Claims 5, 18 and 19 stand rejected under 35 U.S.C. § 103(a) over Minette. Although the Applicant disagrees, claims 4, 5, 7, 14 and 17-20 have been canceled for purposes of appeals and the rejections are now moot.

In view of the above, the presently pending claim in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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